

**Amendment and Response to Restriction Requirement**

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Applicant(s): Kinch et al.

Serial No.: 09/640,935

Confirmation No.: 3254

Filed: 17 August 2000

For: EPHA2 AS A THERAPEUTIC TARGET FOR METASTATIC CANCER (As Amended)

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**Remarks**

The Office Action mailed 6 May 2002 has been received and carefully reviewed. Claims 1-57 having been cancelled, and claims 58-102 having been added, the pending claims are claims 58-102.

**Restriction/Election**

In response to the Restriction Requirement mailed 6 May 2002, Applicants elect, with traverse, the invention Group II (claims 6-13, 46-54 and 56), drawn to a method of cancer treatment using antibody and conjugated antibody, classified in class 424, subclass 141.1, 143.1155.1 and 156.1. With respect to the required species election, breast cancer is elected as the species. Applicants' Representatives reserve the right to pursue examination of the non-elected claims in continuation or divisional applications. Applicants respectfully request reconsideration of the restrictions in this case and submit that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner.

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**Response to Restriction Requirement**

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It is respectfully submitted that newly added claims 58-102 are directed to the invention of Group II. Originally filed claims 6-13, 46-54 and 56 have been cancelled in favor of the newly added claims.

The election of the invention of Group II and the cancellation of the remaining claims necessitates a change in inventorship in that Katharine E. Kilpatrick will be deleted as a named inventor. A Request for Change of Inventorship Under 37 C.F.R. §1.48(b) will be submitted shortly.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.10:**

The undersigned hereby certifies that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Katie Muetting*  
*KATIE MUETING*

"Express Mail" mailing label number:  
EV073730969US

Date of Deposit: 8 July 2002

Respectfully submitted for

Kinch et al.

By

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8 July 2002